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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Ms. Victoria SANDRU (Romania)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-first session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Committee considered the item at its 36th, 37th, 42nd, 43rd, 45th, 46th and 49th meetings, on 13, 14, 18 to 20 and 22 November 1996. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/51/SR.36, 37, 42, 43, 45, 46 and 49).

3. For the documents before the Committee under this item, see A/51/619.

4. At the 36th meeting, on 13 November, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/51/SR.36).

* The report of the Committee on agenda item 110 will be issued in six parts, under the symbol A/51/619 and Add.1-5.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/51/L.32

5. At the 42nd meeting, on 18 November, the representative of Mexico, on behalf of Argentina, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Guyana, Guatemala, Kyrgyzstan, Mexico, Morocco, Nicaragua, Paraguay, Peru, the Philippines, Sri Lanka, Tunisia, Turkey and Uruguay, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/51/L.32). Subsequently, Nigeria and Yemen joined in sponsoring the draft resolution.

6. At the 46th meeting, on 20 November, the representative of Mexico made a statement (see A/C.3/51/SR.46).

7. At the same meeting, the Committee adopted draft resolution A/C.3/51/L.32 without a vote (see para. 27, draft resolution I).

B. Draft resolution A/C.3/51/L.33

8. At the 45th meeting, on 20 November, the representative of Denmark, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/51/L.33). Subsequently, Argentina, Costa Rica, Côte d'Ivoire, Poland, the Republic of Moldova, San Marino and South Africa joined in sponsoring the draft resolution.

9. In introducing the draft resolution, the representative of Denmark orally revised it as follows:

(a) In operative paragraph 1, the words "Commends the Committee against Torture for its excellent report" were replaced by the words "Welcomes the report of the Committee against Torture";

(b) In operative paragraph 7, the words "including Member States" were inserted after the words "of all concerned";

(c) In operative paragraph 9, the words "Office of the" were inserted before the words "High Commissioner" and the words "Human Rights and the Secretariat" were replaced by the words "Human Rights/Centre for Human Rights of the Secretariat";

(d) In operative paragraph 12, the word "optional" was inserted between the words "draft" and "protocol" and the words "establishing a preventive system of regular visits to places of detention" after the words "Convention against Torture" were deleted;

10. At the 49th meeting, on 22 November, the representative of Denmark further orally revised operative paragraph 20 of the draft resolution by replacing the words "developing countries" with the words "recipient countries" and the words "to include in their bilateral development cooperation programmes" with the words "to consider including in their bilateral programmes".

11. At the same meeting, the representative of Egypt made a statement (see A/C.3/51/SR.49).

12. Also at the same meeting, the Committee adopted draft resolution A/C.3/51/L.33, as orally revised, without a vote (see para. 27, draft resolution II).

13. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/51/SR.49).

C. Draft resolution A/C.3/51/L.34 and Rev.1

14. At the 43rd meeting, on 19 November, the representative of Canada, on behalf of Albania, Argentina, Australia, Austria, Bulgaria, Canada, Chile, Côte d'Ivoire, the Czech Republic, Denmark, Finland, Georgia, Germany, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Sweden and the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/51/L.34), which read:

"The General Assembly,

"Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

"Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1]

"Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[2] to promote universal respect for and observance of human rights and fundamental freedoms,

"Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is

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[1] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[2] Resolution 217 A (III).

indispensable for the full and effective implementation of such instruments,

"Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

"Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

"Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the human rights treaty bodies in their ability to carry out their mandates effectively,

"Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

"(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

"(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

"(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

"(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

"Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[3]

"1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996,[4] and takes note of their conclusions and recommendations;

"2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

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[3] A/51/425.

[4] A/51/482, annex.

"3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

"(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

"(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

"4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

"5. Requests the Secretary-General to prepare a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] the International Covenant on Civil and Political Rights,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Elimination of All Forms of Discrimination against Women,[7] the Convention on the Rights of the Child[8] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] with a view to identifying duplication of reporting required under these instruments;

"6. Requests the United Nations High Commissioner for Human Rights to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective operation of the human rights treaty system[10] in time for the final report to be considered by

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[5] Resolution 217 A (III).

[6] Resolution 2106 A (XX), annex.

[7] Resolution 34/180, annex.

[8] Resolution 44/25, annex.

[9] Resolution 39/46, annex.

[10] A/CONF.157/PC/62/Add.1/Rev.1.

the Commission on Human Rights, as requested by the General Assembly in its resolution 48/120 of 20 December 1993, at its fifty-third session;

"7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

"8. Expresses concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

"9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

"10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

"11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

"12. Encourages the efforts of the human rights treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

"13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

"14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance in the regular course of their work of reviewing the periodic reports of States parties;

"16. Welcomes the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and request the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

"17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

"18. Endorses the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance existing cooperation between the human rights treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;[11]

"19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

"20. Takes note of the recommendation by the persons chairing the human rights treaty bodies that any new human rights treaty should allow for simplified amendment of its procedural provisions;[12]

"21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider taking measures that would facilitate the participation by representatives of the human rights treaty bodies in their meetings;

"22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the human rights treaty bodies that each treaty body continue to consider how it might most effectively incorporate gender perspectives in its work practices;[13]

"23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

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[11] A/51/482, annex, para. 53.

[12] Ibid., para. 25.

[13] Ibid., para. 60.

"24. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

"25. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'."

15. In introducing the draft resolution, the representative of Canada orally revised it as follows:

(a) In operative paragraph 4, the words "rendering more transparent" were inserted after the word "rationalizing";

(b) In operative paragraph 6, the words "in accordance with his mandate" were inserted after the words "High Commissioner for Human Rights";

(c) In operative paragraph 15, the words "to be provided at the request of the State concerned" were inserted after the words "technical assistance";

(d) In operative paragraph 18, the words "existing cooperation" were replaced by the words "coordination and cooperation";

(e) After operative paragraph 19, a new paragraph was added, which read:

"Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights";

(f) In operative paragraph 21, the words "to consider taking measures that would facilitate" were replaced by the words "to consider opportunities for".

16. At its 49th meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/51/L.34/Rev.1), submitted by the sponsors of draft resolution A/C.3/51/L.34.

17. Costa Rica, El Salvador, Guatemala, Ireland, Malta, New Zealand, the Russian Federation, San Marino, South Africa, Spain, Ukraine and the United States of America joined in sponsoring the revised draft resolution.

18. At the same meeting, the representative of Canada orally revised the draft resolution as follows:

(a) In operative paragraph 5, the words "from within existing resources" before the words "a detailed analytical study" were deleted;

(b) In operative paragraph 18, the word "Endorses" was replaced by the word "Welcomes";

(c) Operative paragraph 21 was deleted;

(d) In operative paragraph 22, the words "opportunities for the participation" were replaced by the words "the feasibility of participation".

19. Also at the same meeting, the Committee adopted draft resolution A/C.3/51/L.34/Rev.1, as orally revised, without a vote (see para. 27, draft resolution III).

20. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/51/SR.49).

D. Draft resolution A/C.3/51/L.35 and Rev.1

21. At the 43rd meeting, on 19 November, the representative of Poland, on behalf of Argentina, Belgium, Bulgaria, Chile, Germany, Hungary, Italy, Malta, Panama, Poland, the Republic of Korea, Romania, Slovakia, South Africa and the former Yugoslav Republic of Macedonia, introduced a draft resolution entitled "Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights" (A/C.3/51/L.35), which read:

"The General Assembly,

"Recalling that, in adopting the Universal Declaration of Human Rights[14] on 10 December 1948, it recognized the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

"Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its States Members to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

"Recognizing the Declaration as the source of inspiration and the basis of subsequent progress, and taking note of the improvements in the field of human rights that have occurred during the past five decades owing to national and international solidarity and efforts,

"Concerned that international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect fundamental human rights in all situations and to strengthen United Nations efforts in this regard,

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[14] Resolution 217 A (III).

"Recalling the significance and the message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[15]

"Having considered the report of the United Nations High Commissioner for Human Rights,[16] in particular chapter IX thereof entitled '1998: Human Rights Year', in which proposals to celebrate the fiftieth anniversary were made, including convening of a ceremonial meeting of the General Assembly, and welcoming the intention of the High Commissioner to facilitate cooperation between various initiatives aimed at the commemoration of the fiftieth anniversary,

"1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions set out in the Vienna Declaration and Programme of Action for evaluation and follow-up;

"2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Declaration, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message;

"3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations;

"4. Endorses the intention of the relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and impact of existing international human rights instruments;

"5. Calls upon the relevant United Nations organs and agencies, in coordination with the High Commissioner, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

"6. Invites non-governmental organizations and national institutions to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for

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[15] A/CONF.157/24 (Part I), chap. III.

[16] Official Records of the General Assembly, Fifty-first Session, Supplement No. 36 (A/51/36).

greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the High Commissioner;

"7. Decides to convene, during its fifty-third session, a ceremonial one-day meeting on 10 December and to review during its fifty-second session the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution."

22. In introducing the draft resolution, the representative of Poland orally revised it as follows:

(a) In the third preambular paragraph, the words "and taking note of the improvements" and "that have occurred during the past five decades owing to national and international solidarity and efforts" were deleted;

(b) In the fourth preambular paragraph, the words "to respect fundamental human rights" were replaced by the words "to respect human rights and fundamental freedoms";

(c) After the fifth preambular paragraph, a new preambular paragraph was added, which read:

"Recalling its decision 48/416 of 10 December 1993, in which the Assembly decided to include in the provisional agenda of its fifty-third session an item entitled 'Fiftieth anniversary of the Universal Declaration of Human Rights'";

(d) After operative paragraph 6, a new paragraph was added, which read:

"Requests the Secretary-General to include in his proposed programme budget for the biennium 1998-1999 appropriate activities to celebrate the fiftieth anniversary of the Declaration";

(e) Operative paragraph 7 was divided into two paragraphs, reading as follows:

"Decides to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights";

"Also decides to review, during its fifty-second session, the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution".

23. At its 46th meeting, on 20 November, the Committee had before it a revised draft resolution (A/C.3/51/L.35/Rev.1), submitted by the sponsors of draft resolution A/C.3/51/L.35.

24. Austria, Canada, Cape Verde, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, France, Guatemala, Japan, Kyrgyzstan, the Marshall Islands, Mauritius, Mongolia, Nepal, Nigeria, Peru, the Philippines, Rwanda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the

United States of America and Venezuela joined in sponsoring the revised draft resolution.

25. At the same meeting, the representatives of Mali and Poland made statements (see A/C.3/51/SR.46).

26. Also at the same meeting, the Committee adopted draft resolution A/C.3/51/L.35/Rev.1 without a vote (see para. 27, draft resolution IV).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

27. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[17] the International Covenants on Human Rights,[18] the International Convention on the Elimination of All Forms of Racial Discrimination,[19] the Convention on the Elimination of All Forms of Discrimination against Women[20] and the Convention on the Rights of the Child,[21]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

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[17] Resolution 217 A (III).

[18] Resolution 2200 A (XXI), annex.

[19] Resolution 2106 A (XX), annex.

[20] Resolution 38/180, annex.

[21] Resolution 44/25, annex.

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[22] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 50/169 of 22 December 1995, it requested the Secretary-General to submit to it at its fifty-first session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

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[22] A/CONF.157/24 (Part I), chap. III.

6. Takes note of the report of the Secretary-General[23] and requests him to submit to it at its fifty-second session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-second session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION II

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[24] article 7 of the International Covenant on Civil and Political Rights,[25] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[26] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[27] that high priority should be given to provision of the necessary resources to assistance to victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

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[23] A/51/415.

[24] Resolution 217 A (III).

[25] See resolution 2200 A (XXI), annex.

[26] Resolution 3452 (XXX), annex.

[27] A/CONF.157/24 (Part I), chap. III.

1. Welcomes the report of the Committee against Torture,[28] submitted in accordance with the provision of article 24 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Notes with appreciation that during the present reporting period, eight States have become party to the Convention, increasing the number of States parties to one hundred;

3. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

4. Invites all States ratifying or acceding to the Convention and those States that are parties to the Convention and that have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

5. Urges States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention in view of the high number of reports not submitted;

6. Calls on all Governments to cooperate with and assist the Special Rapporteur on Torture in the performance of his task, and to supply all necessary information requested by him and to react appropriately to his urgent appeals;

7. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Member States, in the elaboration of his report and expresses its appreciation of the continuing discrete and independent way in which he carries out his work;

8. Stresses the need for regular exchanges of views between the Committee against Torture, the Special Rapporteur on Torture and other relevant United Nations mechanisms and bodies, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

9. Commends the Office of the High Commissioner for Human Rights/Centre for Human Rights of the Secretariat for support to States in preparing national reports to the Committee;

10. Urges States parties to take fully into account the conclusions and recommendations made by the Committee after consideration of their reports;

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[28] Official Records of the General Assembly, Fifty-first Session, Supplement No. 4 (A/51/44).

11. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

12. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention against Torture to intensify its deliberations with a view to an early conclusion of its work;

13. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

14. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and if possible also with a substantial increase in the level of contributions so that consideration may be given to the ever-increasing demand for assistance;

15. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

16. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

17. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

18. Requests the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as its assessment of the global need for international funding of rehabilitation services for torture victims and in this effort to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

19. Requests the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms that combat torture, corresponding to the strong support expressed by Member States for combating torture;

20. Invites donor countries and recipient countries that so agree to consider including in their bilateral programmes and projects relating to the training of armed forces and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture;

21. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-third session a report on the status of the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment as well as a report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

22. Decides to consider the reports of the Secretary-General and of the Committee against Torture at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION III

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[29]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[30] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the human rights treaty bodies in their ability to carry out their mandates effectively,

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[29] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[30] Resolution 217 A (III).

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[31]

1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996,[32] and takes note of their conclusions and recommendations;

2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the treaty

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[31] A/51/425.

[32] A/51/482, annex.

bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

5. Requests the Secretary-General to prepare a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[33] the International Covenant on Civil and Political Rights,[33] the International Convention on the Elimination of All Forms of Racial Discrimination,[34] the Convention on the Elimination of All Forms of Discrimination against Women,[35] the Convention on the Rights of the Child[36] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[37] with a view to identifying duplication of reporting required under these instruments;

6. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective operation of the human rights treaty system[38] in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in its resolution 48/120 of 20 December 1993, at its fifty-third session;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Expresses concern about the increasing backlog of reports on the implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

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[33] Resolution 2200 A (XXI), annex.

[34] Resolution 2106 A (XX), annex.

[35] Resolution 34/180, annex.

[36] Resolution 44/25, annex.

[37] Resolution 39/46, annex.

[38] A/CONF.157/PC/62/Add.1/Rev.1.

11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

12. Encourages the efforts of the human rights treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

16. Welcomes the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and request the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

18. Welcomes the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation between the human rights treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;[19]

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

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[19] A/51/482, annex, para. 53.

20. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the human rights treaty bodies that each treaty body continue to consider how it might most effectively incorporate gender perspectives in its work practices;[40]

23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

25. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

DRAFT RESOLUTION IV

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The General Assembly,

Recalling that, in adopting the Universal Declaration of Human Rights[41] on 10 December 1948, it recognized the inherent dignity and equal and inalienable

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[40] Ibid., para. 60.

[41] Resolution 217 A (III).

rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Declaration provides an opportunity for the United Nations and its States Members to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of subsequent progress in the field of human rights,

Concerned that international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity to respect human rights and fundamental freedoms in all situations and to strengthen United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[42]

Recalling also its decision 48/416 of 10 December 1993, in which the Assembly decided to include in the provisional agenda of its fifty-third session an item entitled "Fiftieth anniversary of the Universal Declaration of Human Rights",

Having considered the report of the United Nations High Commissioner for Human Rights,[43] in particular chapter IX thereof entitled "1998: Human Rights Year", in which proposals to celebrate the fiftieth anniversary were made, including the convening of a ceremonial meeting of the General Assembly, and welcoming the intention of the High Commissioner to facilitate cooperation between various initiatives aimed at the commemoration of the fiftieth anniversary,

1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions set out in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Declaration, to identify obstacles and ways in which they can be overcome to achieve progress in this area, to undertake additional efforts and to develop programmes of education and information, with a view to disseminating the text of the Declaration and arriving at a better understanding of the universal message;

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[42] A/CONF.157/24 (Part I), chap. III.

[43] Official Records of the General Assembly, Fifty-first Session, Supplement No. 36 (A/51/36).

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations;

4. Endorses the intention of the relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and impact of existing international human rights instruments;

5. Calls upon the relevant United Nations organs and agencies, in coordination with the High Commissioner, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the High Commissioner;

7. Requests the Secretary-General to include in the proposed programme budget for the biennium 1998-1999 appropriate activities to celebrate the fiftieth anniversary of the Declaration;

8. Decides to convene, during its fifty-third session, a one-day plenary meeting, on 10 December 1998, to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights; also decides to review during its fifty-second session the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution.